

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Dec 12, 2023

SEAN F. McAVOY, CLERK

JOSHUA M.,<sup>1</sup>

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:23-cv-03104-RHW

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 8, 13**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 13, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Jordan Goddard represents Plaintiff. Attorneys Frederick Fripps and L. Jamala Edwards represent Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulated Motion for Remand, **ECF No. 13**, is **GRANTED**.
2. The above-captioned case be **REVERSED** and **REMANDED** to the

<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 Commissioner of Social Security for further administrative proceeding pursuant to  
2 sentence four of 42 U.S.C. § 405(g).

3 The parties have stipulated to the following instructions. On remand, the  
4 Appeals Council will instruct the ALJ to:

- 5 • Re-evaluate the opinion evidence consistent with 20 C.F.R. §  
6 404.1520c;
- 7 • Re-evaluate Plaintiff's subjective symptom complaints;
- 8 • Re-evaluate Plaintiff's residual functional capacity;
- 9 • Further consider whether there are jobs in significant numbers in the  
10 national economy available to Plaintiff;
- 11 • Take any further action needed to complete the administrative record  
12 and sequential evaluation, including considering if Plaintiff was  
13 disabled for a closed period;
- 14 • Provide Plaintiff the opportunity to submit new evidence; and
- 15 • Issue a new decision.

16 *See* ECF No. 13 at 1-2.

17 3. Judgment shall be entered for **PLAINTIFF**.

18 4. Plaintiff's Motion for Summary Judgment, **ECF No. 8**, is **STRICKEN**  
19 **AS MOOT**.

1           5. Upon proper presentation, this Court consider Plaintiff's application for  
2 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3           The District Court Executive is directed to enter this Order, **enter Judgment**  
4 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

5           DATED December 12, 2023.

6                               s/Robert H. Whaley  
7                               ROBERT H. WHALEY  
8                               Senior United States District Judge  
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